

NOTICE OF INQUIRY

MB Docket No. 04-233

In the matter of broadcast localism, I would like to begin by thanking the Federal Communications Commission for beginning a dialogue with the public on whether broadcasters are meeting their obligations to serve communities at the local level. While issues of social importance at the local level are often magnified at the national level, treatment of those issues are often addressed through the medium of television. Meeting the needs of every community by using the public airwaves can be lost in bureaucracy and the tedium of regulation. None the less, reasonable regulation is necessary if the public interest is to be served.

The dialogue taking place today with the FCC is one that takes direct aim at both commercial and noncommercial broadcasting. It's about guardianship and responsibility to protect the tools of media democracy. Two questions that deserve an answer are who owns the airwaves? And how is the public interest determined?

Broadcasters are getting free access to the airwaves and realizing major profits along the way. In terms of serving the public interest, the public has not received sufficient opportunity to define the public interest. The public has a right to participate in setting standards for use, frequency assigned for use, and to influence the protection of the frequency.

In exchange for the use of the public airwaves, broadcasters are charged with the obligation to be "responsive to the unique interests and needs of individual communities." Similarly, when cable providers use the public right of ways, many communities charge the cable provider with the obligation to provide at least one noncommercial Public, Education and Government channel. Such a provision has enormous potential for providing relevant, local information of public interest through the noncommercial P.E.G. model. As one of the few tools of media democracy, P.E.G. centers take on the monumental task of working with individuals, non-profits, churches, governments, educators and more to broadcast issues of importance and disseminate emergency information to all walks of life. Better federal support of these life-saving centers could go a long way in addressing many of the issues the Commission is seeking answers to at this time.

Communication with Communities

By eliminating the ability of a broadcaster to determine the needs and interests of a community, the Commission gave carte blanche to broadcasters to do as they wish regarding the treatment of community issues and opened a Pandora's Box of opportunities for mischief under commercial elitism. The "streamlined renewal processing guidelines for broadcasters" allowed broadcasters the opportunity to be granted renewals based on reporting the broadcast of subjective "community-responsive programming."

Because of cost considerations, many in the public arena would not consider approaching a broadcast entity to host a show of local importance. The idea of exposing the real issues of a water deficit in the desert may ignite controversy and commercial broadcasters will shy away from such a program. On the other hand, a community of organized citizens equipped with the tools of media democracy, are given the opportunity to ask the hard questions and to work for real solutions. Such is the case of a P.E.G. center. Unfortunately, many of our P.E.G. centers face real issues of being understaffed, excluded from the franchise negotiation process, de-funded or shut down entirely. Ironically, these are stations that cable subscribers pay for out of "franchise

fees” imposed by the local government. The time is ripe for the Commission to consider the P.E.G. dilemma in these proceedings.

It would be a waste of time for the Commission to focus solely on programming at the local level since local needs are dictated by the locals living in the area. An independent, local producer with a passion for communicating with his/her community will cover the issue of importance. It may be raw, unprofessional and irritating to the local government, but it will serve to deliver an important choice or option for the community to respond to. A simple public service announcement on a commercial station is not nearly as informative as a documentary on the same topic aired on a noncommercial public access station. A formula for having commercial broadcasters mentor interested community access producers in journalistic style and techniques would go much further than a simple PSA.

Political Programming

On the matter of political discourse, much work is required to provide for a fair acquisition to the public airwaves. Providing one candidate of monetary means to broadcasting access is not exactly fair to the candidate of little monetary means. One initiative, NJ A 3443, introduced in the New Jersey legislature in March of 2003 requires “local public, educational, and governmental access channels and New Jersey Public Broadcasting Authority to provide free airtime for legislative candidates.” Not a bad idea, but you need to have a P.E.G. system in place in order to accomplish such a task.

Underserved Audiences

When cable comes to town and a franchise deal is struck, and no provision for a P.E.G. system is made, it is the entire community that is underserved. When cable subscribers are charged franchise fees and city administrators take either part or the whole amount and stick it in the general fund, the entire community is underserved. Furthermore, this practice is paramount to taxation without representation.

When it comes to minority communities, it is the P.E.G. centers that provide training and equipment to give them a voice in their community, not commercial broadcasters in general.

It is true that only segments of communities served by cable actually subscribe to cable. But access to the tools of media democracy, is available to all who live in the community, whether they have cable or not. Satellite operators do not serve the needs and interest of all segments of their communities either. With the help of the Commission and a real plan of collaboration between commercial broadcasters, cable and satellite operators, there’s no reason 100% of the community watching television cannot have their needs and interests addressed.

Disaster Warnings

In Olympia, Washington, an earthquake rendered the local broadcast channel feeds useless. Not until that time did the local public access center have the respect it deserves in providing for the needs and interests of that community. For the first time in their existence, the public access channel was able to work with public works and other administrative groups to get emergency information out to their community. FEMA did not request the help of the local broadcast channels because they were out of commission.

The same thing happened in Los Alamos, New Mexico when a controlled burn got out of control in our national forest. PAC-8, the local public access channel not only provided valuable information on a 24/7 basis, it forged a relationship with FEMA and other groups in the recovery efforts. Today, PAC-8 is enjoying a measure of respect from that community.

The bottom line is that it shouldn't take a disaster to happen before our governments realize what they have under their noses. Instead of a community relying on local ABC, CBS, NBC affiliates to get a short sound bite out to their citizens, why not employ the P.E.G. center to reach the very constituents served by the cable coming into their community and to take the time they need to get the message out?

The idea of requiring broadcasters to make their facilities available to a local emergency manager would be a good idea if that emergency manager knew anything about running a broadcast station. Perhaps a genuine plan of cooperation between all broadcast entities (which includes the P.E.G. centers) and the local emergency manager would fit the bill. Many communities already employ the skills of ham operators during emergencies, why exclude the P.E.G. system?

Payola and Sponsorship Identification, Voice-Tracking, and National Playlist

"Payola-type practices are inconsistent with localism" when they make it impossible for non-profit and other small groups to get vital information out to their communities. More than one local cable provider employs the practice of "trades". The idea is that if you give the cable operator something of value, the operator will give you some airtime. You are responsible for getting a "broadcast ready" tape to provide. This practice looks like extortion and depending on the subject matter can stack the deck of public interest by airing one-sided, subjective promotional material. This Mafioso type of activity must be stopped as soon as possible. Think about it, they are the public airwaves ... and the public must pay or trade to get an announcement out on commercial media. It's deregulation that paves the way for this activity to continue. And this type of practice happens all the time without the benefit of proper sponsorship identification.

License Renewals

By eliminating the comparative renewal process, the Commission has streamlined the renewal process so as to rubberstamp renewals without objective reporting on the part of the licensee and thus enables licensees to become monopolies.

One of the ways to make the license renewal process more effective is to establish a legislative mandate requiring that public hearings on service and community needs assessments be conducted and published for comment, criticism and resolution.

Additional Spectrum Allocations

Low-power FM service is a wonderful noncommercial way to reach a small radius of the community. Clusters of LPFM stations may provide communities with the tools needed to reach their community as a whole.

The amount of broadcast spectrum available for usage is a fixed amount. When the spectrum is filled to capacity, where will the future innovators turn for inclusion? On this topic, the Commission would do well to follow the lead of the great state of Vermont that has acted to preserve a minimum of 10% of the broadband spectrum for public and noncommercial use to provide communications and information services for current and future related public interest.

Conclusion

“While issues of social importance at the local level are often magnified at the national level, treatment of those issues, are often addressed through the medium of television. Meeting the needs of every community by using the public airwaves can be lost in bureaucracy and the tedium of regulation. None the less, reasonable regulation is necessary if the public interest is to be served.” Re-regulation is a consideration that the Commission must undertake if democratic discourse is to continue on a level playing field for everyone.

Thank you once again for allowing the public the opportunity to address the Commission.

Ronda Orchard
520 Longwood Loop NE
Rio Rancho, NM 87124